

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Marylyn Todd *

Albert Todd *

E.D., Minor Child *

John Schmitt *

Emilee Spiller *

Terese Grinnell *

Monica Holm *

Plaintiff, *

v. *

Civil No. 1:24-cv-00330-LM-AJ

State of New Hampshire *

Governor Christopher Sununu *

New Hampshire State Police *

John Does, 1-100 *

Defendants *

DEFENDANTS' REPLY TO PLAINTIFFS' OBJECTION TO MOTION TO EXTEND

NOW COMES the State of New Hampshire, Governor Christopher Sununu, and New Hampshire State Police (collectively "Defendants") by and through their counsel, the Office of the New Hampshire Attorney General, submits the above-captioned pleading, stating in support thereof as follows:

1. On or around October 14, 2024, the Plaintiffs filed a Civil Complaint. *See* ECF Doc No.1
2. Due to a clerical error, the February 18, 2025 response deadline for same was not docketed on the undersigned's calendar until the date of the deadline itself. *See* ECF Doc. No. 8 at ¶ 3.
3. Accordingly, Defendants filed a Motion to Extend on February 18, 2025, which Motion is incorporated herein by reference. ECF Doc. No. 8.

4. Plaintiffs subsequently objected and, though the Defendants' Motion to Extend has yet to be ruled on, Plaintiffs filed a motion for Entry of Default Judgment. ECF Doc. Nos. 9, 10.
5. While the Defendants reserves their right to substantively respond to the Motion for Default, they submit the within Reply regarding the Objection to Motion to Extend to preserve their rights.
6. The Court has discretion to extend the response deadline here, especially where the request was made prior to the deadline's expiration. *See* Fed. R. Civ. P. 6(b)(1)(A)(stating that "the court may, for good cause, extend the time [of a deadline] ... with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires[.]"); *and see McIntosh v. Antonino*, 71 F.3d 29, 38 (1st Cir. 1995) (holding that the "administration of filing deadlines is a matter of case management that comes within the district court's discretion.")
7. Defendants' request for extension is consistent with the Court's long-held preference for resolving cases on their merits. *See Universitas Educ., LLC v. Granderson*, 98 F.4th 357, 377 (1st Cir. 2024)(internal citations and quotations omitted) (stating "default judgment is a drastic measure that runs contrary to the goals of resolving cases on the merits and avoiding harsh or unfair results. As such, it should be employed only in an extreme situation, and to protect diligent parties from clearly unresponsive adversaries.").
8. In sum, Defendants submit that good cause exists to extend their responsive pleading deadline to allow them time to respond substantively to the allegations in Plaintiff's Complaint, and that the granting of such extension is within the sound discretion of this Court.

WHEREFORE, Defendants respectfully requests that this Honorable Court:

- A. Note the within Reply;
- B. Grant the underlying Motion to Extend;
- C. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

STATE OF NEW HAMPSHIRE, GOVERNOR
CHRISTOPHER SUNUNU
and
NEW HAMPSHIRE STATE POLICE

By their attorney,

JOHN M. FORMELLA
ATTORNEY GENERAL

Dated: March 4, 2025

/s/ Shawna Bentley
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply was sent this day through the Court's ECF system to all parties of record.

/s/ Shawna Bentley
Shawna Bentley